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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

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CHARLES GRAHAM, Derivative on  
Behalf of Nominal Defendant LEAP  
WIRELESS INTERNATIONAL, INC.,

8 CASE NO. 08cv246 BTM(NLS)

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**ORDER CONTINUING HEARING ON**  
**MOTION TO DISMISS**

10 Plaintiff,  
11 v.

12 S. DOUGLAS HUTCHESON, AMIN  
KHALIFA, GRANT BURTON, DEAN M.  
LUVISA, MICHAEL B. TARGOFF, JOHN  
D. HARKEY, JR., ROBERT V.  
LA PENTA, MARK H. RACHESKY, M.D.,  
and JAMES D. DONDERO,

13 Defendants,

14 and

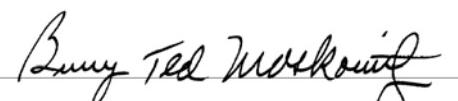
15 LEAP WIRELESS, INTERNATIONAL,  
16 INC.,

17 Nominal Defendant.

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19 This case has been transferred to Judge Moskowitz. The hearing on Defendant Leap  
20 Wireless International, Inc.'s motion to dismiss the derivative complaint is continued to  
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**August 15, 2008 at 11:00 a.m.** Unless otherwise directed by the Court, there shall be no  
22 oral argument, and no personal appearances are required.

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**IT IS SO ORDERED.**

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DATED: June 17, 2008

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27 Honorable Barry Ted Moskowitz  
United States District Judge